

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	226
Land:	Hviderusland
Kilde:	Amnesty International
Titel:	Amnesty International Report 2017/18 – Belarus
Udgivet:	22. februar 2018
Optaget på baggrundsmaterialet:	27. februar 2018

AMNESTY INTERNATIONAL REPORT 2017/18

**THE STATE OF THE WORLD'S
HUMAN RIGHTS**



**AMNESTY
INTERNATIONAL**



Custodial Death (Prevention) Act continued to be inadequately enforced due to a lack of political will and awareness among law enforcement agencies.

DEATH PENALTY

Scores of people were sentenced to death and executions took place.

In April, two people were sentenced to death after being convicted of crimes against humanity by the International Crimes Tribunal, a Bangladeshi court established to investigate the events of the 1971 independence war. The Tribunal also concluded the hearing of arguments in the trial of six alleged war criminals in Gaibandha for mass killings, abductions, looting and arson during the 1971 war. The trial remained ongoing. Serious concerns regarding the fairness of the trial were raised about the Tribunal proceedings, such as denial of adequate time for defence lawyers to prepare their cases and arbitrary limitation of the number of witnesses.

CHITTAGONG HILL TRACTS

In June, at least one person was killed and hundreds of homes were burned during a mob attack on Indigenous people in the town of Langadu, Rangamati Hill District. Police and soldiers reportedly failed to protect Indigenous villagers. Those made homeless had not been rehoused by the end of the year. A video posted on social media appeared to show soldiers using excessive force against students peacefully protesting against the violence and the 1996 disappearance of Indigenous rights activist Kalpana Chakma. Mithun Chakma, an Indigenous rights campaigner, denounced a “situation of suffocation” in which he was forced to attend court up to eight times a month to answer criminal charges relating to 11 separate cases, some of which were under the ICT Act and concerned articles he had posted on social media about human rights violations, thus preventing him from carrying out his work as a human rights defender.

BELARUS

Republic of Belarus

Head of state: **Alyaksandr Lukashenka**

Head of government: **Andrey Kabyakou**

Between February and April, the authorities violently cracked down on peaceful protests. The government continued to refuse to accept the mandate of the UN Special Rapporteur on human rights in Belarus. Several individuals seeking international protection were returned to countries where they were at risk of torture and other ill-treatment. Heavy legislative restrictions on media, NGOs, political parties and public assemblies remained in place. One person was executed and four were sentenced to death.

BACKGROUND

After several years with no large protests, mass demonstrations took place in February and March against a tax on the unemployed, introduced by a Presidential Decree in 2015. The authorities clamped down on the protests. In March, they accused 35 men of plotting mass disturbances supported with foreign funding, and hinted that these were linked to the demonstrations. The arrests were widely televised; by July, all men had been released.

The rapprochement between Belarus and its western neighbours continued. In July, the OSCE Parliamentary Assembly was held in Minsk, the capital.

DEATH PENALTY

In April, Siarhei Vostrykau, who had been on death row since May 2016, was executed. Homel Regional Court received confirmation of his execution on 29 April. The last letter his mother received from him was dated 13 April.

Five men remained on death row. They included Aliaksei Mikhalenya, whose sentence on 17 March was upheld by the Supreme Court on 30 June; Ihar Hershankou and Siamion Berazhnoy, both sentenced on

21 July and whose appeals were rejected by the Supreme Court on 20 December, and Viktor Liotau who was sentenced on 22 September. Kiryl Kazachok, who was sentenced on 28 December 2016, chose not to appeal.

PRISONERS OF CONSCIENCE

Dozens of protesters were sentenced for their peaceful activism. On 7 April, Zavodski District Court in Minsk changed Dzmitry Paliyenka's conditional sentence from 2016 to two years' imprisonment after he received two administrative penalties. His first administrative penalty on 10 March 2017 – a seven-day detention for “minor hooliganism” and “disobedience to lawful police demands” – was imposed after he vocally criticized the verdict at a trial he was observing. His second administrative penalty on 20 March 2017 – a 15-day detention for “organizing or participating in unsanctioned mass events” – was imposed for his peaceful protest on 25 February against the construction of a building in central Minsk. Dzmitry Paliyenka received the two-year suspended sentence for purportedly assaulting a police officer during a peaceful cyclists' protest in Minsk in April 2016.

FREEDOM OF ASSEMBLY

In February and March, thousands of people attended a series of peaceful rallies across the country to protest against the tax on the unemployed. Some of the organizers and participants reported harassment by the police, including brief detentions and police summons for questioning. On 25 March, police prevented peaceful protesters from assembling in central Minsk and arrested hundreds; some arrests were made using excessive force. Some protesters were severely beaten by law enforcement officials during arrest and in police custody.

Between February and April, over 900 people were arrested in connection with the protests, including political activists who were prevented from attending the protests and journalists. At least 177 were found guilty of purported administrative offences and fined

or detained for five to 25 days. All but one arrested individual were found guilty in summary trials; courts uniformly accepted police reports as evidence against them without any questioning.

FREEDOM OF ASSOCIATION

Heavy restrictions on NGOs remained in place. Under Article 193.1 of the Criminal Code, the founding, or participation in, the activities of an unregistered organization remained a crime punishable by up to two years' imprisonment.

On 25 March, masked police officers raided the office of human rights group Vyasna and arrested all 57 people present. Among them were local and international human rights defenders and journalists who were attending training on how to monitor demonstrations. They were held for three hours at the local police station and released without charge or explanation. One detainee was hospitalized for head injuries sustained during the arrest.

FREEDOM OF EXPRESSION

Official accreditation remained compulsory for anyone working for a foreign media outlet and continued to be routinely and arbitrarily denied. More than 100 print, radio and TV journalists and bloggers were arrested for not having obtained accreditation, some repeatedly, leading to fines. In at least eight cases, journalists reporting from protests were arrested as participants and sentenced to administrative detention of between five and 15 days.

Journalist Larysa Schyryakova, from the city Homel in southeastern Belarus, was arrested and fined repeatedly for reporting on protests. She reported that police warned her that she could be found “socially irresponsible” if she committed further administrative offences and that her 11-year-old son might be placed in a children's home.

LEGAL, CONSTITUTIONAL OR INSTITUTIONAL DEVELOPMENTS

The tax on the unemployed remained in place; failure to comply continued to incur administrative fines and compulsory

community service. In March, after the protests against the tax, the President mandated the government to suspend the tax collection until 2018; in August, he promised to waive the tax for “people with many children, the sick and invalids”. Respective changes were introduced in October.

REFUGEES AND ASYLUM-SEEKERS

Belarus lacked a functioning asylum system and repeatedly handed over individuals seeking international protection to authorities of countries where they were at real risk of torture or other ill-treatment.

FORCIBLE RETURN

Ethnic Chechen Imran Salamov, who claimed to have been repeatedly tortured in Chechnya, was forcibly returned to Russia on 5 September. He was in the process of appealing against his rejected asylum application. On 11 September, the Chechen authorities confirmed that he was in police custody in Grozny, capital of Chechnya. Since that date, he had had no contact with his lawyer or family and his whereabouts remained undisclosed at the end of the year. Following his forcible return, the Belarusian authorities opened an investigation which concluded that there had been a violation of Belarusian law and that Imran Salamov had been prematurely expelled from Belarus. Disciplinary action was taken against a number of officials linked to his case and was ongoing at the end of the year.

Russian-Ukrainian-Israeli blogger Aleksandr Lapshin was detained in Belarus in December 2016 on request from Azerbaijan, and extradited to Azerbaijan in February where he was detained arbitrarily and prosecuted in connection with his blog posts criticizing the Azerbaijani authorities. Aleksandr Lapshin was sentenced to three years’ imprisonment and released under a presidential pardon on 11 September (see Azerbaijan entry).

BELGIUM

Kingdom of Belgium

Head of state: **King Philippe**

Head of government: **Charles Michel**

Prison conditions remained poor; hundreds of offenders with mental health problems or mental disabilities continued to be detained in inadequate prison wards. Several laws on professional secrecy introduced requirements for social workers to share private information regarding potential suspects of terrorism-related offences.

Parliament introduced a number of restrictions to asylum and migration laws. A new law on legal gender recognition improved the rights of transgender people.

COUNTER-TERROR AND SECURITY

In July, Parliament adopted a new law establishing a special status and compensation system for victims of terrorism-related offences. However, the law failed to ensure swift and full compensation. Victims could access state compensation only after a burdensome and lengthy process.

In May, Parliament passed a law requiring employees of welfare institutions to report to prosecutors, or provide upon their request, information on people who could be involved in the perpetration of terrorism-related offences. In June a new law passed that allowed the sharing of confidential information previously protected by professional secrecy obligations to prevent the commission of terrorism-related offences.

In October, Parliament amended the Constitution to increase the maximum duration of pre-charge detention from 24 to 48 hours. The provision applies to suspects of any crime, although the initial proposed scope was restricted to suspects of terrorism-related offences.

Authorities failed to effectively monitor the human rights impact of measures against terrorism and radicalization.